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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JANET PALPAL-LATOC,

12 Plaintiff,

13 vs.

14 AMERICA'S SERVICING COMPANY,
15 HSBC,

16 Defendants.
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CASE NO. 08CV0588-LAB (CAB)

**ORDER DISMISSING
COMPLAINT**

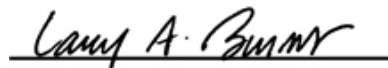
18 Federal courts are courts of limited jurisdiction. The court must verify *sua sponte* its
19 authority to decide the disputes presented in any action filed in federal court. See B.C. v.
20 Plumas Unified Sch. Dist., 192 F.3d 1260, 1264 (9th Cir.1999); see also FED. R. CIV. P.
21 12(h)(3) ("Whenever it appears by suggestion of the parties or otherwise that the court lacks
22 jurisdiction of the subject matter, the court shall dismiss the action"). The party invoking the
23 court's jurisdiction has the burden to plead and prove the facts supporting such jurisdiction.
24 McNutt v. Gen. Motors Acceptance Corp. of Indiana, 298 U.S. 178, 189 (1936).

25 The court's *sua sponte* review of plaintiff Janet Palpal Latoc's one-sentence
26 Complaint in this action (alleging a servicing company and another entity, both of unspecified
27 nature, are "attempting to wrongfully undertake foreclosure proceedings" against particular
28 real property), and her proposed "Federal Stay and Adverse Claim" document in the form

1 of a *lis pendens* prepared for the court's signature, identify no basis upon which federal
2 courts may exercise jurisdiction either over the controversy or over the named defendants.
3 Rather, it appears to this court from the face of the filings the dispute is appropriately a
4 matter for the state courts to decide. Accordingly, this action is **DISMISSED** in its entirety,
5 without prejudice.

6 **IT IS SO ORDERED.**

7 DATED: April 2, 2008

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9 **HONORABLE LARRY ALAN BURNS**
10 United States District Judge
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